

**TOWN OF POLK**  
**Plan Commission Minutes**  
**November 3, 2009**  
**Page 1**

**I. Call Meeting to Order** - The meeting of the Plan Commission of the Town of Polk was called to order by Chairman Albert Schulteis immediately after the Public Hearing.

**A. Official Meeting Notice** - Chairman Schulteis reported that the notice of the meeting was sent to the West Bend Daily News, the Hartford Times Press, WBKV, WTKM, Milwaukee Journal Sentinel and posted at the Town Hall, Highway View School, Cedar Hills bulletin boards, and also posted on the Town of Polk website.

**B. Roll Call** - Members present: Chairman Albert Schulteis, Willard Heppe, Karen Reiter, Mark Peters, Marvin Kissinger, Robert Roecker, Supervisor Theodore Merten, guest Supervisor Harold Groth, Judy Stephenson, Zoning Secretary and John Frey, Building Inspector.

**C. Approval of minutes for October 6, 2009** - Motion made by Karen Reiter to approve the October 6, 2009 minutes with correction of the word *ever* on page 4. Motion seconded by Robert Roecker. All voted in favor and motion carried.

**II. Unfinished Business - none**

**III. New Business - Discussion/Possible Action on the Following:**

**A. Conditional Use Permit for Fred Wartgow, 3040 Mayfield Rd., Jackson, to sell and buy firearms and work at home as a gunsmith as a home business in accordance with Section 4.02(1) of Title X of the Town Municipal Code. Tax Key #T9-0781, Section 25, 41 acres zoned A-1 Agriculture.**

Fred Wartgow stated that there would be no more firing of weapons than goes on in his neighborhood now. Robert Roecker asked if Mr. Wartgow would do any shooting in connection with his business. Fred Wartgow stated that he does not sight deer rifles because that is not allowed here but he does sight shotguns, slug rifles, and 22 's. He further stated that his customers would not shoot on the premises but would go to a firing range at a gun club to try out guns. Karen Reiter stated that per State Statutes he must do the firearms record search. Mr. Wartgow stated that the first license he receives will be for 3 years with an annual license thereafter. He further stated that he had secure storage for the guns which would be checked by the Federal ATF agent. Judy Stephenson read the proposed Conditional Use Permit drafted by the Town Attorney. Discussion was held. Willard Heppe stated that the applicant for a Conditional Use Permit, not the taxpayers, pays all expenses incurred with regard to the preparation and enforcement; it has been the policy for 40 years. Judy Stephenson stated that the Attorney bill has not yet been received so the amount is not known. Chairman Schulteis stated that the Attorney was very reasonable and most contact is done by phone and e-mail to minimize cost.

**TOWN OF POLK**  
**Plan Commission Minutes**  
**November 3, 2009**  
**Page 2**

Chairman Schulteis stated that there should be a condition added that there be no public discharge of firearms in connection with the business. Karen Reiter stated that there should be no shooting range or sighting on the property which is associated with the business. She further stated that the CUP should be renewed by the Town using the ATF renewal schedule. Further discussion was held. Karen Reiter stated that per Mr. Wartgows application for Federal License he stated that his hours of business would be Monday through *Thursday* from 10am to 5pm, Friday 10am to 8pm, Saturday 10am to 2pm, and closed Sunday. Mr. Wartgow stated that if he was away at a gun show, then he could not be open for business at home.

Motion made by Robert Roecker and seconded by Karen Reiter to recommend approval to the Town Board of the CUP for Fred Wartgow with the additional condition that there be no sighting discharge of firearms associated with the business and the Town Board will determine the permit renewal provisions and fees. All voted in favor and the motion carried.

**B. Application for an 8' by 8' ground sign for Cedar Springs Church, 3128 Slinger Rd., Zoned I-1 Institutional. 38.1 acres. Tax Key T9-0885. Section 29.**

Chris Wetzel stated that a congregation member has volunteered to construct the sign which would be an 8 ft. by 8 ft. frame with a hanging oval sign secured by chains against wind; there would be a small lower piece that will show the times of services. He further stated that there were no plans to illuminate the sign at this time. Willard Heppe stated that the sign should be farther from the road than the proposed 34 feet to insure good traffic visibility from the driveway. Discussion was held.

Motion made by Karen Reiter and seconded by Mark Peters to recommend approval to the Town Board of a ground sign for Cedar Springs Church not to exceed 20 ft. in height and not to exceed 50 sq. ft for one side. Sign must be at least 43 ft. from the centerline of the road. All voted in favor and the motion carried.

**C. Application for Business Use by Michale Brue d/b/a Brue's Brothers, LLC to operate a portable welding and fabrication business to be located at 2623 Hwy 175, Richfield. Section 35, Zoned M-1 Industrial.**

Michael Brue stated that they have an accepted offer to purchase the property and will then lease half of the building back to TOPPS Trucking, which is currently in the other half. He further stated that he has a welding fabricating business and would be coming in the morning, getting his truck and equipment, leaving and then coming back at night. Mr. Brue stated that sometimes he would be working in the shop; the fabricating would be inside. He further stated that he

would

## **TOWN OF POLK**

### **Plan Commission Minutes**

**November 3, 2009**

**Page 3**

be storing a snorkel lift, equipment trailer, portable welding trailer and pickup trucks outside; all would be active machines - no junk. Further discussion was held. Mr. Brue stated that they are also buying the vacant lot south of the buildings; the outside storage will be at the SW corner of the building. John Frey stated that the landscaping and paving have not been completed by the owner according to the plans previously submitted and approved by the Town; the Town would be looking for a commitment from the new owner to complete it. He further stated that the half of the building that Brue's Brothers LLC intends to occupy is just a shell so whatever plans they would have for office space and rest room space would have to be State approved plans. Michael Brue stated that the plumbing is in but no fixtures. Michael Brue stated that it would cost about \$60,000 to asphalt the whole parking space and he wondered if they could start out with just binder and do the lot in phases. Discussion was held. Mark Brue stated that he was the brother of Michael Brue and a partner to buying the building; he would like to put a binder coat in the front but the driveway in back it would require 2 layers of 3" due to future semi truck traffic in back for the tenant. Further discussion was held. John Frey stated that it has been a year since the foundation of the building went in; and a hard surface in the driveway and docking area should be installed within a reasonable time now. Mark Brue stated Michael Brue was requesting business use approval which he believed should be separate from the paving and landscaping because the property itself is being purchased by 4 owners - Brue's Brothers LLC - of which Michael is only one owner. He further stated that Michael Brue's business name is actually Brue's Metal Works. He further stated that Michael will be leasing half of the building for his business. John Frey stated that the Town expects the ownership and the business operation to be one in the same and Brue's Brothers as owners will complete paving and landscaping.

Motion made by Mark Peters and seconded by Robert Roecker to recommend approval of the Business Use application for Brue's Metal Works, to operate a portable welding and fabrication business at 2623 Hwy 175, Richfield with outside storage of operating machinery but no junk. All voted in favor and the motion carried.

#### **D. Approval of Stormwater Management Facility Maintenance Agreement for Mayfield Nursery, 4785 Mayfield Rd., Tax Key T9-0024-00B & T9-0024. Section 2. Approximately 19 acres.**

Chairman Schulteis stated that Washington County was overseeing the Stormwater management agreement. Discussion was held. John Frey stated that Mayfield Nursery had done some filling here and there over the years that did exceed the limits and triggered the requirement for a stormwater management plan and this plan was being done under the directive of Scott Schmidt, Washington County Engineer/Surveyor.

**TOWN OF POLK**  
**Plan Commission Minutes**  
**November 3, 2009**  
**Page 4**

Motion made by Willard Heppe and seconded by Robert Roecker to recommend approval to the Town Board of the Stormwater Management Facility Maintenance Agreement for Mayfield Nursery. All voted in favor and the motion carried.

**E. Petition for Ordinance change to Title X of the Municipal Code of the Town of Polk, Zoning Ordinance, Section 6.02 Yards to address tennis courts.**

Karen Reiter stated that 6.02 (3) was changed from residential fences to just fences with **A** - addressing residential fences and **B** - addressing security fences and **C** - addressing recreational fences. She further stated that 6.02 (4) addresses illumination and 6.02 (6) adds tennis courts as an accessory use. Discussion was held.

Motion made by Karen Reiter and seconded by Robert Roecker to recommend approval of the Petition for Ordinance change to Title X of the Municipal Code of the Town of Polk, Zoning Ordinance, Section 6.02 Yards, to address tennis courts. All voted in favor and the motion carried.

**F. Zoning Violations** - Judy Stephenson stated that the property on Hwy C was being issued another citation. Supervisor Ted Merten stated that out of the citation fine, the Town only receives \$5; the rest goes for court costs and expenses.

**IV. Other Business**

- A. Correspondence - none
- B. Informational items - none
- C. Board of Appeals - none.
- D. Building Inspector's Report - none

**V. Adjournment** - Motion made by Karen Reiter and seconded by Marvin Kissinger to adjourn. All voted in favor and the meeting was adjourned at 9:25 p.m.

Respectfully Submitted,

Judy Stephenson  
Zoning Secretary

